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| 10/596,309 | 02/22/2007 | Barry Geer | 050588/312849 | 5197 |
| 826 7590 12/09/2010 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000 | | | EXAMINER YACOB, SISAY | |
| | | | ART UNIT 2612 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/596,309

Applicant(s)

GEER, BARRY

Examiner

SISAY YACOB

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. This communication is in response to applicant's response to Non-Final Office Action, which was filed September 13, 2010.
2. Amendments and arguments to pending rejected claims 1-4, 6 and 8-16 have been entered and made of record in the application of Geer for "Traffic Light with Modular Pole" filed on February 22, 2007.

Claims Status

Claims 1 and 6 are amended.

Claim 4 is as originally presented.

Claims 2-3 and 8-16 are same previously presented.

Claims 5 and 7 are as previously canceled.

Claims 1-4, 6 and 8-16 are pending.

Claim Rejections - 35 USC § 103

3. **Claims 1-4, 6, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent to ARMSTRONG (5,986,576) in view of U.S. Patent to KELLY et al. (3,899,891) and further in view of U.S. Publication of PEET, II et al. (2002/0067290 A1).**

As to claim 1, Armstrong discloses a light assembly (*Item 10*) comprising a pole having a plurality of inter-engagable sections (*Items 24 and 34*) located end-to-end to

form the pole (*See figures 1 and 2*), each section having an axial hole therethrough, to form a passage through the sections for a cable (*Item 36; Col. 7, line 54 - Col. 8, line 11*) in an axial direction (*See figure 1*), and a light attached at an operatively upper end of the pole (*Items 12, 14 and 16*).

Armstrong does not expressly disclose, a securing line located through the passage, and securing means movably securable on the securing line in an axial direction to secure the sections of the pole together, and a light attached between two of said inter-engagable sections.

Kelly et al. discloses a pole/post assembly (*Abstract; Figures 1-7*) having a plurality of inter-engagable sections (*shell sections*), each section having an axial hole therethrough (*bore*), to form a passage through the sections for a securing line (*tendon*) located through the passage (*see figures*), securing means (*anchor*) movably securable on the securing line in an axial direction to secure the sections of the pole together (*Col. 2, lines 15-37; Col. 3, lines 30-42; Col. 4, line 51 - Col. 5, line 15*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong, by incorporating the securing means, as disclosed by Kelly et al., so as to provide pole/post structure that may provide poles/posts, which are light-weight compared to its strength, because Kelly et al. suggests the pole/post structure maybe provided by different materials (*wood, metal, concrete, plastic*) at different sizes in order to meet different requirements (*Col. 3, lines 45-64; Col. 5, lines 38-62*), one skilled in the art would be motivated to incorporate it into various devices including a light assembly.

The combination of Armstrong and Kelly et al. does not expressly disclose a light attached between two of said inter-engagable sections.

In a field of portable warning light system, Peet, II et al. discloses a light assembly (*warning light system as shown in figures 1 and 9; Par. 0019-0020*) comprising: a pole (*formed by arrays 120 and 130 of figure 1 and 220 and 230 of figure 9; Par. 0020-0023*) having a plurality of connectable/engagable sections (*Items 199 as shown in figure 1; Par. 0023*) located end-to-end to form the pole (*as shown in figures 1 and 9; Par. 0020 and 0038*), and a light (*light 111 and 301 of figure 1 and 9 respectively; Par. 0021-0022 and 0039*) attached between two of said connectable/engagable sections (*as shown in figures 1 and 9; Par. 0019-0023 and 0038-0039*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Kelly et al., by having a light to be attached between two inter-engagable/connectable sections, as disclosed by Peet, II et al., so as to provide a light attached between two inter-engagable or connectable sections, because Peet, II et al. discloses the pole/post structure that includes light attached to each inter-engagable or connectable section and a light attached between two inter-engagable or connectable sections and one skilled in the art readily understand from these disclosures that light/s maybe attached at any location/s to achieve the optimal visibility effect for a warning light. Also, the location of the claimed light has no effect on the functionality of the light and the claimed limitations of the instant application as presented does demonstrated/shown the criticality of the location of the light. Furthermore, attaching a light at various locations on the pole/post

may be achieved through routine experimentation with expected result to achieving an optimal visibility for a warning light.

As to claim 2, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, further, Armstrong discloses the pole includes a light connector at an upper end thereof (*Item 64*), the light connector comprising a housing wherein a default light (*Item 62 of figure 8*) is housed and wherein the pole sections are secured (*Col. 6, lines 14-40*).

As to claims 3 and 4, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, further, Armstrong discloses a footpiece engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (*Item 30*).

As to claim 6, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, further, Kelly et al. discloses the inter-engagable sections (*shell sections*) are cylindrical (as shown in figures 1-3) and each has complementary neck (inner annular flange 114 as shown in figure 6) and collar (collar in contact with outer annular flange 112 as shown in figure 6) formations on one end (*Col. 4, line 51 – Col. 5, line 2*) and a complementary shaped first inner blind bore (inner annular recess 110 as shown in figure 6) on an opposite end for receiving the neck of an adjacent section (as shown in figure 6; *Col. 4, line 51 – Col. 5, line 2*), wherein the sections have a first bore in a main body of the section and a second bore in the neck formation so that the

assembled pole includes said passage therethrough (See figures 1-7; *Col. 2, lines 15-37; Col. 3, lines 30-42; Col. 4, line 51 - Col. 5, line 15*).

As to claim 12, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 2, further, Armstrong discloses an adaptor (*Item 11*) connectable to the light connector (*Item 64*), the adaptor having a number of sockets (*Items 12, 14 and 16*) for receiving lights in the sockets (*Col. 5, line 61 - Col. 6, line 13*).

As to claim 13, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, further, Armstrong discloses the light connected to the pole includes a bank of light emitting diodes (*Col. 2, lines 60-64*).

As to claim 14, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 13, further, Armstrong discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (*Col. 3, lines 5-16, 28-38*).

As to claim 16, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, further, Armstrong discloses the light assembly is a traffic light assembly (*Col. 2, lines 60-64*).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and PEET, II et al. and further in view of U.S. Patent to NEVIN (5,675,956).

As to claim 8, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 1, but, the combination does not expressly disclose a securing line

is a rod having screw threaded ends for receiving nuts for securing the sections together.

Nevin discloses a pole assembly that employs a rod having screw threaded for securing the sections together (*Abstract; Col. 4, lines 10-25; Figures 2 and 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly et al. and Peet, II et al., by having the securing rod having screw threaded, as disclosed by Nevin, because a rod having screw threaded ends for receiving nuts is conventional and one skilled in the art would readily understand the securing means of Lambert maybe replaced by any equivalent conventional attaching means including a rod having screw threaded ends for receiving nuts as disclosed by Nevin.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and PEET, II et al. and further in view of the U.S. Patent to NIEMEYER (5,340,069).

As to claim 9, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 2, but, the combination does not expressly disclose the light connector includes annular lip formations, one annular lip formation extending upwardly from a base thereof and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing annular channel sections for receiving lugs at the rear of a traffic light therein.

Niemeyer discloses a light assembly that incorporate a light connector includes annular lip (*Item 20 of figure 1 has annular end connection*) formations, one annular lip formation extending upwardly from a base thereof (*lower item 20 of figure 1*) and the other downwardly (*upper Item 20 of figure 1*) form an operatively upper end of a cylindrical section (*Item 22 of figure 1*) to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (*Col. 6, line 66 - Col. 7, line 12*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly et al. and Peet, II et al., by incorporating a light connector, as disclosed by Niemeyer, because having annular lips in the extensions increase the holding force of the assembly.

As to claim 10, the combination of Armstrong, Kelly et al., Peet, II et al. and Niemeyer as set forth above in claim 9, further, Niemeyer discloses an adaptor (*Item 100*) connectable to the light connector (*Item 20 via items 24 and 26*), the adaptor having a number of sockets (*3 sockets*) for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section (*See figures 1-7*).

As to claim 11, the combination of Armstrong, Kelly et al., Peet, II et al. and Niemeyer as set forth above in claim 9, further, Armstrong discloses the base and cylindrical section are axially movable relative to each other to move the formations away from each other to facilitate adjustment of the height of the light assembly.

But the combination does not expressly disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each

other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly et al., Peet, II et al. and Niemeyer, by having the base and cylindrical section are axially movable relative to each other, in order to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because the Niemeyer lip formation of Niemeyer's light assembly is removable and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and PEET, II et al. and further in view of the U.S. Publication of CLAUBERG (200601521775 A1).

As to claim 15, the combination of Armstrong, Kelly et al. and Peet, II et al. as set forth above in claim 13, but, the combination does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes

are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

Clauberg discloses a light assembly, wherein groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on (*Par. 0003-0004*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Kelly et al. and Peet, II et al., by incorporating the slight assembly illumination, as disclosed by Clauberg, because it is conventional to use selected illumination light in the traffic light art and Clauberg discloses the claimed limitations.

Response to Arguments

7. Applicant's arguments, see (Pages 5-6), filed September 13, 2010, with respect to the rejection(s) of claim(s) 1-4, 6 and 8-16 under 35 U.S.C. 103(a)) have been fully considered but are moot in view of the new ground(s) of rejection, , which is necessitated due to applicant amendment to independent claim 1. See above rejection for full detail.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, which disclose various types of light attachments and movable securing means.

FREEMAN U.S. Patent No. 5,755,174; **ROBERTSON** U.S. Patent No. 5,345,232; **PERRY** U.S. Patent No. 5,279,136; **ARNDT** U.S. Patent No. 4,992,788; **DAGGS et al.** U.S. Patent No. 4,565,466; **DVORACHEK** U.S. Patent No. 4,238,096; **OLSON** U.S. Patent No. 3,078,452; **CLASEN** U.S. Patent No. 3,034,098.

Correspondence

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is (571)272-

8562. The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE A. BUGG can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob

11/19/2010

/S. Y./

Examiner, Art Unit 2612

/George A Bugg/

Supervisory Patent Examiner, Art Unit 2612